

Executive Register

6-6645

15 February 1955

MEMORANDUM FOR: Deputy Director/Plans

SUBJECT: Duties of the Inspector General and of the Chief, Inspection and Review, DD/P in Making Inspections within DD/P.

1. Confirming our conversation of yesterday with regard to previous memoranda on the duties of the IG and of the Chief, I&R (DD/P), I do not think it is necessary to modify my memorandum of 17 January 1955 since the text permits procedures which will take into account the points you have raised. For example, in case the IG makes a report covering any Division of DD/P, I will certainly reserve the right to send you the full report in all cases where it is in the interest of efficiency to do so. I should imagine there should be few instances in which anything would be withheld.

2. As regards the use of the word "malfeasance" and the respective jurisdiction of the IG and the Chief, I&R (DD/P), in case you should have any question as to whether a matter should be referred immediately to the IG or the investigation be continued by the Chief, I&R (DD/P), we could discuss the matter together and determine the appropriate method of procedure in the light of ^{the} facts.

ALLEN W. DULLES
Director

AWD:hea

Distribution:

Addressee - Orig

DCI file - 1 cc

ER file - 1 cc ✓ (w/basic)

Reading - 1 cc

IG

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Approved For Release 2003/07/29 : CIA-RDP80B01676R003200140014-9

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SECRET

ROUTING AND RECORD SHEET

INSTRUCTIONS: Officer designations should be used in the "TO" column. Under each comment a line should be drawn across sheet and each comment numbered to correspond with the number in the "TO" column. Each officer should initial (check mark insufficient) before further routing. This Routing and Record Sheet should be returned to Registry.

Registry

FROM:

O/DD/P

TELEPHONE

NO.

479

25X

DATE

TO	ROOM NO.	DATE		OFFICER'S INITIALS	TELEPHONE	COMMENTS
		REC'D	FWD'D			
1. DCI		1/21				DCI: I recommend that you <u>not</u> modify the directive or interpret it. Re par 2 a, it is reasonable to assume that it will be administered just that way - but no commitment is in order. Re par v b, I recommend no change. Let Let the "arguments" come - that's one of our objects - to surface to you the early evidences of malfeasance in its broad term. CPC DDCI
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FORM 1 MAY 54

51-10

PREVIOUS EDITIONS MAY BE USED

Approved For Release 2003/07/29 : CIA-RDP80B01676R003200140014-9

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(40)

SECRET

19 January 1955

6-5479

MEMORANDUM FOR: The Director of Central Intelligence

SUBJECT: Duties of the Inspector General and of the Chief, Inspection and Review, DD/P in Making Inspections within DD/P

REFERENCE: Memorandum to DD/P and IG from DCI, dtd 17 Jan/55. Same subject.

1. Receipt of the reference memorandum is acknowledged and all officials of the DD/P area whose work is directly affected by it are being notified of the contents of this memorandum in order that they may comply with the terms thereof.

2. There are one or two points about the language of the reference memorandum which are not entirely clear to those of us in the DD/P area who have examined the paper, and accordingly we should like to know whether the following understandings or interpretations meet with your approval:

a. We had asked for language providing that copies of the reports of the Inspector General might be furnished to the DD/P and/or Chief, I&R/DD/P. It is noted that in the language of the reference memorandum it is provided only that the Inspector General will include in his recommendations to the DCI one dealing with what portions of his report should be provided to the DD/P or the Chief, I&R/DD/P. It would seem to me that in the case of investigation and inspection reports of the Inspector General which deal with the DD/P area -- so long as such reports are accepted by you and do not involve personal culpability on the part of DD/P, C/OP or Chief, I&R/DD/P, it would be desirable for these to be made available by you in order to enable us to take appropriate remedial action.

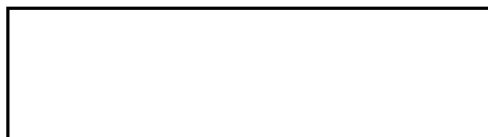
b. We are somewhat troubled by the apparent restrictions placed upon the work of Chief, I&R/DD/P by the language of Para c. of the reference memorandum. The difficulty arises out of the use of the word "malfeasance" coupled with a requirement that upon the discovery of any evidence (of malfeasance) the matter will be immediately referred to the Director or the Inspector General -- and further inspection

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- 2 -

or investigation of the matter will, unless the Director otherwise decides, be directed or taken over by the Inspector General. The term "malfeasance" is not sufficiently clear in meaning to serve as a satisfactory guide, in my opinion. It is differently defined in different dictionaries and even the legal dictionaries do not declare it to be a term of art.* This provision of the reference memorandum would be satisfactory and workable if either (1) the questionable term were to be deleted, or (b) we could be advised by you that its use here is intended in the narrow or strict sense of official misconduct relating to improper use of funds or governmental property. Otherwise stated, I am very reluctant to see so many possibilities for the "ousting" of Mr. Scott's jurisdiction to investigate or for additional areas of misunderstanding to arise in this regard.

3. In all other respects those of us who have examined and given thought to the reference memorandum consider it to be a fair and workable directive and one which will serve as a most useful guide to us all.



FRANK G. WISNER
Deputy Director (Plans)

cc: IG

* While a distinction is recognized as between the expressions "malfeasance" on the one hand, and "misfeasance" or "non-feasance" on the other, there are presumably many types or categories of malfeasance. You will recall the distinctions sought to be drawn in the old cases as between malum in se (morally or inherently wrong or evil) and malum prohibitum (bad only because declared to be so). There is also the classification of acts malitia praecogitata -- acts perpetrated with malice aforethought. If all of these classes of acts are encompassed within the term "malfeasance", then the use of this expression is more apt to generate than reduce arguments, since it is susceptible of such broad construction.

MEMORANDUM FOR: Deputy Director/Plans
Inspector General

SUBJECT : Duties of the Inspector General and of the Chief,
Inspection and Review, DD/P in Making Inspections
within DD/P

1. I have discussed with Mr. Wisner, Mr. Kirkpatrick and Mr. Scott the question of the respective duties and responsibilities of the Inspector General and of the Chief, Inspection and Review, DD/P, and the following represents my decision based on our mutual understandings.

a. The Inspector General has the duty from time to time as the situation warrants to inspect all elements of the Agency. Before undertaking an inspection of a particular division, staff or unit of the DD/P he will notify the Director, the DD/P, the Chief of I&R (DD/P), and the head of that particular unit in order to avoid the overload of inspection work. The Inspector General will, insofar as practicable, fix the time of particular comprehensive inspections in a manner not to directly follow a comprehensive inspection which has been carried on internally in any division, staff or unit, by the Inspection and Review Staff. Upon completion of an inspection, the Inspector General will include in his recommendations to the DCI, one dealing with what portions of his report should be provided DD/P or Chief, I&R (DD/P).

b. The Chief, I&R, office of the DD/P, will be directly responsible to the DD/P. It is understood, however, that copies of I&R written reports will be sent to the Inspector General for his information and guidance but that the Inspector General will not take action on such reports without consultation with the Director or with the DD/P. It is further understood that the Chief, I&R, will afford full cooperation to the Inspector General in connection with any inspections the Inspector General may make of the office of the DD/P. Similarly, the Inspector General will afford all possible cooperation to the Inspection and Review Staff in connection with inspections conducted by I&R.

c. In case in any division, staff or unit an internal inspection develops evidence indicating malfeasance, misappropriation of funds, or evidence concerning any other situation deemed by the DD/P to be of a possibly critical nature, the matter shall immediately be referred to the Director or to the Inspector General and further inspection or investigation of that particular matter will, unless the Director otherwise decides, be directed or taken over by the Inspector General.

d. In the event that reports reaching the Inspector General indicate that a particular situation in the office of DD/P calls for investigation but does not in his opinion justify immediate action by the office of the Inspector General, he may request the Deputy Director/Plans to cause the matter to be inspected by him or by his Inspection and Review Staff and a report thereon shall be made to the Deputy Director/Plans and to the Inspector General.

e. Any individual in the DD/P area wishing to see the Inspector General as provided for in Agency Regulation will be permitted to do so after having exhausted the command facilities within the DD/P area.

25X

ALIEN W. DOLLES
Director

cc: Chief, Management Staff, DD/A

DDCI/CPCabell:mpg (11 Jan 55)

Distribution:

O&I - Addressees

✓ 1 - Exec Reg - *my drafts, etc*

1 - DCI

1 - DDCI

DRAFT
CPCabell:mpg
11 Jan 55

A

MEMORANDUM FOR: Mr. Wisner, Deputy Director/Plans
Inspector General

SUBJECT : Duties of the Inspector General and of the Chief,
Inspection and Review, DD/P in Making Inspections
within DD/P

1. I have discussed with Mr. Wisner, ~~you~~, with Mr. Kirkpatrick and Mr. Scott the question of the respective duties and responsibilities of the Inspector General and of the Chief, Inspection and Review, DD/P, ~~Mr. Seett~~, and the following represents my decision based on our mutual understandings.

(a) ~~(b)~~ The Inspector General has the duty from time to time as the situation warrants to inspect all elements of the Agency. Before undertaking an inspection of a particular division, staff or unit of the DD/P Agency he will notify the Director, the DD/P, the Chief of I&R (DD/P), and the head of that particular unit in order to avoid the overload of inspection work. The IG will insofar as practicable fix the time of particular comprehensive inspections in a manner not to directly follow a comprehensive inspection which has been carried on internally in any division, staff or unit, by the Inspection and Review Staff. Upon completion of an inspection, the IG will include in his recommendations to the DCI, one dealing with what portions of his report should be provided DD/P or Chief, I&R (DD/P).

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(b) ~~(a)~~ The Mr. Seett will ~~act~~ as Chief, Inspection and Review, ~~of the~~ office of the DD/P, and as such will be directly responsible to the DD/P. ~~you.~~ It is understood, however, that copies of I&R ~~his~~ written reports will be sent to the IG for his information and guidance but that the IG will not take action on such reports without consultation with the Director or with the DD/P. It is further understood that the Chief, I&R, ~~Mr. Seett~~ will afford full cooperation to the IG in connection with any inspections the IG may make of the office of the DD/P. Similarly, the Inspector General will afford all possible cooperation to the Inspection and Review Staff in connection with inspections conducted by I&R.

(c) In case in any division, staff or unit an internal inspection develops evidence indicating malfeasance, misappropriation of funds, or evidence concerning any other situation deemed by the DD/P Inspector to be of a possibly critical nature, the matter shall immediately be referred to the Director or to the Inspector General and further inspection or investigation of that particular matter will, unless the Director otherwise decides, be directed or taken over by the IG.

(d) In the event that reports reaching the IG indicate that a particular situation in the office of DD/P Agency calls for investigation but does not in his opinion justify immediate action by the office of the IG, he may request the Deputy Director/Plans to cause the matter to be inspected by him or by his

Inspection and Review Staff and a report thereon shall be made to the Deputy Director/Plans ~~concerned~~ and to the Inspector General.

(e) Any individual in the DD/P area wishing to see the Inspector General as provided for in Agency Regulation No. 1-110 will be permitted to do so after having exhausted the command facilities within the DD/P area.

ALLEN W. DULLES
Director

Copy to: Chief, Management Staff, DD/A

MEMORANDUM FOR: Mr. Wisner, Deputy Director/Plans

SUBJECT: Duties of the Inspector General

1. I have discussed with you, with Mr. Kirkpatrick and Mr. Scott the question of the respective duties and responsibilities of the Inspector General and of Mr. Scott, and the following represents my decision based on our mutual understandings.

(a) Mr. Scott will act as Chief, Inspection and Review, of the office of the DDP and as such will be directly responsible to you. It is understood, however, that copies of his written reports will be sent to the IG for his information and guidance but that the IG will not take action on such reports without consultation with the Director or with the DDP. It is further understood that Mr. Scott will afford full cooperation to the IG in connection with any inspections the IG may make of the office of the DDP.

(b) The Inspector General has the duty from time to time as the situation warrants to inspect all elements of the Agency. ^{Before} ~~before~~ undertaking an inspection of a particular division, staff or unit of the Agency he will notify the Director and the head of that particular unit in order to avoid the overload of inspection work. The IG will insofar as practicable fix the time of particular inspections in a manner not to directly follow an inspection which has been carried on internally in

any division, staff or unit.

(c) In case in any division, staff or unit an internal inspection develops evidence indicating malfeasance, misappropriation of funds, or other situation deemed by the inspector to be of a critical nature the matter shall immediately be referred to the Director or to the Inspector General and further inspection of that particular matter will, unless the Director otherwise decides, be taken over by the IG.

(d) In the event that reports reaching the IG indicate that a particular situation in the Agency calls for investigation but does not in his opinion justify immediate action by the office of the IG, he may request the Deputy Director to cause the matter to be inspected by him or by his Inspection and Review Staff and a report thereon shall be made to the Deputy Director concerned and to the Inspector General.

ALLEN W. DULLES
Director

MEMORANDUM FOR: Mr. Wisner, Deputy Director/Plans
SUBJECT: Duties of the Inspector General

1. I have discussed with you, with Mr. Kirkpatrick and Mr. Scott the question of the respective duties and responsibilities of the Inspector General and of ~~Mr. Scott~~ ^{the Inspection and Review Staff DDP}, and the following represents my decision based on our mutual understandings.

(1) ~~Mr. Scott will act as~~ ^{The} Chief, Inspection and Review, ^{and Staff} of the office of the DDP and ~~as such~~ will be directly responsible to you.

It is understood, however, that copies of his written reports will be sent to the IG for his information and guidance but that the IG will not take action on such reports without consultation with the Director or with the DDP. It is further understood that Mr. Scott will afford full cooperation to the IG in connection with any inspections the IG may make of the office of the DDP.

(2) The Inspector General has the duty from time to time as the situation warrants to inspect all elements of the Agency. ^{Before} ~~before~~ undertaking an inspection of a particular division, staff or unit of the Agency he will notify the Director and the head of that particular unit. ^{Inspection and Review Staff} ~~in order to avoid the overload of inspection work.~~ The IG will insofar as practicable fix the time of particular inspections ^(Conducted in the DD/Plans) in a manner not to ~~conflict with~~ ^{Conflict with} inspections of the Inspector General. ~~directly follow an inspection which has been carried on internally in~~

~~any division, staff or unit.~~

(c) In case ^{if} ~~in~~ any division, staff or unit an internal inspection develops evidence indicating malfeasance, misappropriation of funds, or other situation deemed by the inspector to be of a critical nature, the matter shall immediately be referred ~~to the Director or to~~ ^{to} the Inspector General and further inspection of that particular matter will, unless the Director otherwise decides, be taken over by the IG.

(d) In the event that reports reaching the IG indicate that a particular situation in the Agency calls for investigation but does not in his opinion justify immediate action by the office of the IG, he may request the Deputy Director ^{PLANS} to cause the matter to be inspected by him or by his Inspection and Review Staff and a report thereon shall be made to the Deputy Director ^{PLANS} ~~concerned~~ and to the Inspector General.

ALLEN W. DULLES
Director

(e) Any individual in the DD/P area wishing to see the Inspector General, will be permitted to do so after having exhausted the command facilities within the DD/P area.

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MEMORANDUM FOR: Mr. Wisner, Deputy Director/Plans
SUBJECT: Duties of the Inspector General

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(b) The Inspector General has the duty from time to time as the situation warrants to inspect all elements of the Agency. Before undertaking an inspection of a particular division, staff or unit of the

- 2 -

Agency he will notify the Director and the head of that particular unit ,
in order to avoid the overload of inspection work. In cases of in-
spections of units in the Clandestine Services by the Inspector General
the IG will notify the Chief, I&R(DD/P) of the planned inspection and
will furnish Chief, I&R copies of the reports on such inspections. The
IG will insofar as practicable fix the time of particular inspections in a
manner not to directly follow an inspection which has been carried on
internally in any division, staff or unit.

(c) In case in any division, staff or unit an internal inspection
develops evidence indicating ~~(malfeasance)~~ misappropriation of funds,
or other situation deemed by the ^{Deputy Director} ~~inspector~~ to be of a critical nature
the matter shall immediately be referred to the Director or to the
Inspector General and further inspection of that particular matter will,
unless the Director otherwise decides, be directed or taken over by
the IG.

(d) In the event that reports reaching the IG indicate that a
particular situation in the Agency calls for investigation but does not
in his opinion justify immediate action by the office of the IG, he may
request the Deputy Director ^(plans) ~~to~~ cause the matter to be inspected by him
or by his Inspection and Review Staff and a report thereon shall be made
to the Deputy Director concerned and to the Inspector General.

ALLEN W. DULLES
Director

Flow's changes:
1) Underlined are
additions

2) One word (mal-
feasance) is
deleted as un-
necessary

3) substitution of
"Deputy Director"
for "inspector"

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ROUTING AND RECORD SHEET

INSTRUCTIONS: Officer designations should be used in the "TO" column. Under each comment a line should be drawn across sheet and each comment numbered to correspond with the number in the "TO" column. Each officer should initial (check mark insufficient) before further routing. This Routing and Record Sheet should be returned to Registry.

FROM:

COP/DDP

NO.

12-4289

DATE

TO	ROOM NO	DATE		OFFICER'S INITIALS	COMMENTS
		REC'D	FWD'D		
1. DCI		1/12			
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1-4289

10 January 1955

MEMORANDUM FOR: Director of Central Intelligence

SUBJECT: Duties of the Inspector General

Pursuant to your request of 7 January 1955 to Mr. Wisner and me to go over your draft of a memorandum addressed to Mr. Wisner, Subject as above, we have studied it and return it herewith with our comments.

Suggested additions are underlined; it is suggested that "malfeasance" be deleted as being too broad and indefinite and because it is felt that items of a "critical nature" cover this adequately; and it is suggested that "Deputy Director (Plans)" replace "inspector" in your paragraph 1. (c).

The text as it now stands in the attached was cleared with Mr. Wisner personally and is entirely acceptable to him.



Richard Helms
Chief of Operations, DD/P

25X

SECRET

10 January 1955

MEMORANDUM FOR: Director of Central Intelligence

SUBJECT: Duties of the Inspector General

Pursuant to your request of 7 January 1955 to Mr. Wisner and me to go over your draft of a memorandum addressed to Mr. Wisner. Subject as above, we have studied it and return it herewith with our comments.

Suggested additions are underlined; it is suggested that "malfeasance" be deleted as being too broad and indefinite and because it is felt that items of a "critical nature" cover this adequately; and it is suggested that "Deputy Director (Plans)" replace "inspector" in your paragraph 1. (c).

The text as it now stands in the attached was cleared with Mr. Wisner personally and is entirely acceptable to him.

(Signed) Richard Helms

Richard Helms
Chief of Operations, DD/P

DRAFT

MEMORANDUM FOR: Mr. Wisner, Deputy Director (Plans)

SUBJECT: Duties of the Inspector General

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(b) The Inspector General has the duty from time to time as the situation warrants to inspect all elements of the Agency. Before undertaking an inspection of a particular division, staff or unit of the

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- 2 -

Agency he will notify the Director and the head of that particular unit in order to avoid the overload of inspection work. In cases of inspections of units in the Clandestine Services by the Inspector General the IG will notify the Chief, I&R(DD/P) of the planned inspection and will furnish Chief, I&R copies of the reports on such inspections. The IG will insofar as practicable fix the time of particular inspections in a manner not to directly follow an inspection which has been carried on internally in any division, staff or unit.

(c) In case in any division, staff or unit an internal inspection develops evidence indicating (~~malfeasance~~,) misappropriation of funds, Deputy Director (Plans) or other situation deemed by the ~~inspector~~ to be of a critical nature the matter shall immediately be referred to the Director or to the Inspector General and further inspection of that particular matter will, unless the Director otherwise decides, be directed or taken over by the IG.

(d) In the event that reports reaching the IG indicate that a particular situation in the Agency calls for investigation but does not in his opinion justify immediate action by the office of the IG, he may request the Deputy Director to cause the matter to be inspected by him or by his Inspection and Review Staff and a report thereon shall be made to the Deputy Director concerned and to the Inspector General.

ALLEN W. DULLES
Director

MEMORANDUM FOR: MR. DULLES

Recommend your signature on attached. It represents amendments suggested by me, and by Kirk, and most of those made by Frank.

For your convenience, Tab A shows all changes made to your original dictation (Tab B). Kirk's changes show on Tab C, and Frank's on Tab D.



DDC I

12 Jan 55

(DATE)

FORM NO. 101 REPLACES FORM 10-101
1 AUG 54 WHICH MAY BE USED.

(47)